

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

Docket No. 04-12654 RGS
Formerly Case No. 04-4389-F
Suffolk County Superior Court

FILED
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2005 JUN -1 P 1:01
U.S. DISTRICT COURT
MASS

FRED T. VAN DAM,
Plaintiff

v.

DAVID M. MCSWEENEY, Trustee of MC
REALTY TRUST; ROCKLAND LEASE FUNDING
CORP.; UNITED STATES OF AMERICA; and
GENERAL ELECTRIC COMMERCIAL
EQUIPMENT FINANCING, a division of
GENERAL ELECTRIC CAPITAL CORP.;
Defendants

**MOTION TO IMPOUND AFFIDAVIT IN SUPPORT OF
MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT
DAVID M. MCSWEENEY, TRUSTEE OF MC REALTY TRUST**

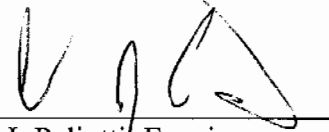
Now comes counsel for Defendant David M. McSweeney, Trustee of MC Realty Trust ("Mr. McSweeney"), in the above-captioned matter and hereby requests that pursuant to Local Rule 7.2 the Court impound the Affidavit of David J. Paliotti to be filed in support of said counsel's motion to withdraw from this case, until further Order of the Court. In support of this motion, counsel for Mr. McSweeney states the following:

The aforesaid Affidavit contains material that may be considered protected by the attorney-client privilege. The disclosure of such information may be prohibited by

various disciplinary rules but may be submitted to the Court for its review in connection with a motion for leave to withdraw from further representation of a client. See MBA Ethics Opinion 96-3.

WHEREFORE, counsel for Mr. McSweeney respectfully requests that this Court impound the Affidavit of David J. Paliotti to be filed in support of said counsel's motion for leave to withdraw from this case.

Respectfully submitted by,



David J. Paliotti, Esquire
BBO No. 547501
GREENBAUM, NAGEL,
FISHER & HAMELBURG
200 High Street, 4th Floor
Boston, MA 02110
(617) 423-4300

I hereby certify that a true copy of the above document was served upon Defendant David M. McSweeney, Trustee of MC Realty Trust, and counsel of record for each other party by first class mail, postage prepaid, this 30th day of May, 2005.



David J. Paliotti, Esquire
BBO No. 547501